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| 10/688,513 | 10/17/2003 | Amy E. Battles | 200209018-1 | 1997 |

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| EXAMINER |
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WOODS, ERIC V

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| ART UNIT | PAPER NUMBER |
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2628

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09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,513

Applicant(s)

BATTLES, AMY E.

Examiner

Eric Woods

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-35 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-35 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks pages 5-9 and claim amendments, filed 6/4/2007, with respect to the rejection(s) of claim(s) 30-41 under various statutes have been fully considered and are persuasive.

Specifically, in view of applicant's amendments to the claims, the rejection of claims 30-41 under 35 USC 103(a) stand withdrawn.

In view of applicant's amendments to the claims, the rejection of claim 30 under 35 USC 112, second paragraph, stands withdrawn.

Claims 36-38 are canceled.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of various references as set forth below.

With respect to applicant's arguments concerning the Ojima referenced found on page 7, these are not found to be persuasive. While Ojima may in fact allow the user to move the marked area and then zoom, this is not the only functionality implemented. It is duly noted that if an apparatus is capable of specified functionality and it is suggested, taught, or otherwise obvious, then it is expressly rendered prima facie obvious.

In the instant case, applicant is referring to Ojima [0047], which describes step S110 in Figure 2. The statement in question is part of a paragraph, and the context in which it is present does not appear to convey the precise meaning imputed by

applicant. Specifically step <S110> determines whether the whole marking area is displayed as a display screen on the LCD monitor by the user. That is, **it only occurs if the user specifies that the marked portion is to be displayed as display screen.** This process is **not** automatic but rather triggered by the user.

The process actually starts with the user setting the zoom ratio and then panning the image. See specifically [0039], which recites that the each image of the sequence (Figures 3(a)-(d)) that applicant asserts represent sequential operations represent different scenarios wherein the magnification factor of the marked area and that of the display area have different values. As a matter of fact, "A display screen image whose zoom ratio is lower than that of the marked area is displayed as described by the LCD monitor as described in FIG. 3(a), FIG. 3(b), FIG. 3(c), FIG. 4(a), FIG. 4(b), and FIG. 4(c). Alternatively, the LCD monitor 41 may display a display screen image whose zoom ratio is the same as that of the marked area as described in **FIG. 3(d) and FIG. 4(d).** The changing and/or setting of each of the zoom ratios for the marked area and the display screen area may be performed during the process of zoom by a branch process etc." Therefore the asserted functionality of the sequence cannot exist in the form expressed by applicant, and the cited paragraph [0047] does neither describes nor mentions such a sequence or any evidence in support thereof. For at least the above reasons, applicant's arguments are not found to be persuasive and are not supported by a preponderance of the evidence. Examiner's prima facie case of obviousness has not been rebutted and therefore no further response is necessary.

As to the Parulski reference, that has been withdrawn and replaced by the English version of the German reference manual supplied by the applicant via the latest IDS.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 30-35 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojima et al (US PGPub 2003/0133025 A1) in view of A202 ("FujiFilm Digital Camera: FinePix A202" NOTE that this document is an ENGLISH version of the corresponding GERMAN manual on the IDS) and Endo (US PGPub 2004/0207875).

As to claim 30 (system), claim 35 (method), and claim 41 (method),
A digital camera, comprising: (Ojima Figure 1, Abstract)

-An image display configured to display an acquired image; (Ojima Figure 1, LCD monitor 41)

-A magnification control, including a zoom-in switch, accessible by a user of the digital camera to thereby allow the user to controllably magnify the acquired image and thereby produce a magnified representation of the acquired image; (Ojima clearly has a magnification control – see Figure 1 – element 33 – operation panel [0019], [0025] – “The operation panel 33 can include ... a zooming button, a cross-shape button, etc...” where clearly this would constitute a ‘zoom in’ and ‘zoom out’ switch, since it specifically causes the zoom ratio to increase or decrease, as in [0027-0029])

-A position control, including an up switch, a down switch, a left switch, and a right switch, and accessible by a user of the digital camera to thereby allow the user to pan across and controllably select an area of the magnified representation of the acquired image; (Ojima has a cross-shape button on the operation panel 33 [0029], where this button is operable to move the marking area around the base image, and the operator can move up and down, as in [0030], and the user can change the zoom ratio – specifically, see [0034], where it is specified that when the marked area zoom is the same as the display zoom, the entire marked area takes up the entire LCD, such that any operations that pan the marked area will also pan the underlying image as required)

-Logic configured to provide a bounding box to identify the selected area; (Ojima illustrates bounding box generated by digital camera in Figures 3(a)-(d) (exemplary,

[0022-0026, 0039, and the like], where the zoom indicator box or cross is shown on the display of the digital camera. Therefore, the digital camera must contain logic for doing so.)

-A display controller configured to: (Ojima, CPU 30, which controls display of information on display 41, which is operably coupled via system bus)

-Display the acquired image on the image display; (Ojima Figures 3(a) and 4(a), where the base representation is presented to the user first – see box 42 on the right showing the display area ratio, which is at 1X, that is, normal viewing and size [0034-0035, 0036 and 0038 particularly]. Next, the base representation is shown first, as in Figure 2, where steps S102 and S104 can be skipped if the user has not designated a zoom ratio and the like. The important thing is that step S105 must occur, that is, the zoom ratio(s) are displayed on the sub-LCD (area 42, Figures 3(a)-4(d)), and at that time the base zoom ratio of the display is still one))

-Display a portion of the magnified representation of the acquired image on the image display; (Ojima-The user then displays the marking box or cross, and then changes the display ratio to actually show the region in question –as in Figures 3(d) and 4(d), so that it occupies the full screen [0034], and the intermediate steps, where the user increases the display ratio to be larger and focus on that specific region. See particularly [0027], where it is specified that the digital zoom function starts as a base image and goes to a magnified image)

-Display the selected area of the acquired image on the image display; and
(Ojima clearly shows the zoomed portion as described above, where it is stated that

user can move the zoomed portion around [0029] to select aforementioned area. Ojima also shows the bounding box around the selected area (Figures 3(a)-3(d), and similar, as described above. This element lacks antecedent basis, but examiner is interpreting as set forth in 'Response to Arguments.' As described by Ojima [0027-0042] and Figures 2-4(d) inclusive, such elements are shown as part of selecting process. The bounding box is shown around the selected area as shown in the above-recited Figures (2-4(d) inclusive)))

-Display the bounding box around the selected area on the image display;
((Ojima clearly shows the marked portion on the display, as in Figures 3(a)-3(d) and the like, where the entire purpose of the Ojima is to allow the user to see the position and range of the marking area where the digital zoom operation will be executed – [0030]. Clearly, the system will show the marking area on the base image as soon as the display area zoom is returned to a factor of one, so that the user can perceive the position and range of the marking area. The system of Ojima automatically moves the visible indicia of the box as the user pans it and as the user moves about the image.))

Ojima fails to teach that such recited digital camera possesses image transfer means / control that enable transfer of selected portion of image to external device coupled to camera. [It is noted that the system of Ojima only captures the portion of the image that is within the marked region – see [0047-0048], where once the area is selected it is captured and transferred to the memory 40 [0028].] A202 and Endo together teach this limitation.

-A transfer control, accessible by the user, to enable the user to transfer digital images from the digital camera to an external device communicatively coupled to the digital camera; and (A202 teaches the use of DPOF format, where DPOF format allows user to record printing specifications for images shot on digital camera, such as xD-Picture Card (p.58), wherein specifications include, but are not limited to, placing the date on a frame and the number of copies on a per-frame basis, and further teaches that the digital camera may be operably coupled to an external device (see pages 78-85), namely a personal computer and a printer.)(Endo teaches in Figure 2 that the user can specify a portion of an image via cropping mechanism by specifying start point (x1, y1) and end point (x2, y2). That would correspond to area within a bounding box. Such cropped area would then correspond to the 'cropped region coordinates' in the 'Job Description section' of the DPOF file [0047-0048], Figures 2(a)-2(b). The process is shown at Figure 6, where the user specifies quantities of specific files to be printed, cropped region information, etc, and then specifies other printing information. [0056-0058]. Further, it is clear that the DPOF script and information is not automatically transferred to the printer because the user must be warned [0021](step S4, Figure 4) that certain types of printing may not be available. The user specifies such information [0038], and the user can send print requests to the printer, where it checks periodically for such requests [0042].)

-Image-transfer logic, responsive to the transfer control, and configured to transfer the portion of the image within the bounding box, as displayed on the

image display, to the external device. (A202 specifies data transfers between camera and computer via USB (Pages 76-83))(Endo teaches transfer functionality via USB device controller 15 in camera 10 in Figure 1. Cropping information specified by user in Figure 2(a) and stored in DPOF file in Figure 2(b) in the job description section, which corresponds to bounding box information.)

A202 is cited for the teaching that it is desirable to allow the user to transfer images to external devices and the means to do so. However, A202 fails to expressly state that only the information within the bounding box is transferred and that the user expressly selects which files are to be transferred and the teaching that the user should be able to select to transfer such selected portion (e.g. when and what to print).

That is, Ojima and A202 fail to expressly teach, but Endo teaches details of the DPOF language described in A202 with more specific and detailed implementation information that **only the information within the bounding box is transferred and that the user expressly selects which files are to be transferred and the teaching that the user should be able to select to transfer such selected portion (e.g. when and what to print).** This is provided via the use of the DPOF format, the details of which are provided in Figures 5-11, [0021, 0042-0044, 0006, etc], where the invention of Endo provides that DPOF is used to specify cropping boxes, aspect ratio, etc, etc, which are the features recited above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ojima in light of A202 and Endo to have a transfer/print capability under user control and to allow the user to transfer/print the selected portion of the base image to an external device (where it is noted that Ojima only stores the aforementioned selected portion in bounding box / selection rectangle / demarcation elements) because: (a) Allowing the user to directly connect the camera to the computer prevents the necessity of removing the memory card (see A202 pages 77-83); (b) allowing the user to specify printing information for specific images assures that only the desired portions of the desired images will be transferred (A202 pages 58-62, Endo [0021, 0042-0044, 0006, etc]); and (c) allows the user to specify the processing that should happen at the printer so as to automate the transfer and selection process after providing all the print request information in the specified DPOF file when the printer is attached to the camera. (Endo Figures 6 and 7, [0022-0024])

As to claim 35 specifically, it is similar in scope to the system claim of claim 30, and is the method that is implemented by the system of claim 30, the rejection to which is incorporated by reference in its entirety, and is rejected using the same motivation and rationale. There are some clarifications that need to be made with respect to which functional components of claim 30 maps to which method steps of claim 35 that are provided below. Specifically, the display controller functionality referenced above performs the recited steps. Again, see Ojima Figures 3(a)-4(d) to illustrate providing the

bounding box, and the discussion above concerning relevant citations within the Ojima reference for moving the bounding box via pan operation and other means. Next it is respectfully pointed out that Ojima allows the user to controllably specify the magnification ratio as in Figures 3(a)-4(d), which clearly constitutes **'using a magnification control to controllably magnify the acquired image and thereby produce a magnified representation of the acquired image.'** [0034-0036, etc]. This is only provided as a clarification of the mechanism of the system that performs the recited function of the method.

As to claim 41 specifically, this method claim is a slightly more narrow form of and is similar in scope to method claim 35, which is incorporated by reference in its entirety, and this claim 41 is rejected utilizing the same motivation and rationale. The only difference is that the acquired image is magnified; the second step of functionality under the recited display controller in the rejection of system claim 30, which is incorporated by reference in its entirety. includes "displaying the magnified acquired image." As noted above, Ojima teaches (Abstract, various other locations cited above; [0029-0034], etc) that the user moves the position of the magnified image arbitrarily and pans around it, and re-displays image portions responsive to panning, wherein the third clause of the display controller functionality above is "display the selected area of the acquired image on the image display" and finally the rejection above discusses the transferring of only the selected portion. This is only provided as a clarification of the mechanism of the system that performs the recited function of the method.

As to claim 31, Ojima has a cross-shape button on the operation panel 33 [0029], where this button is operable to move the marking area around the base image, and the operator can move up and down, as in [0030], and the user can change the zoom ratio – specifically, see [0034], where it is specified that when the marked area zoom is the same as the display zoom, the entire marked area takes up the entire LCD, such that any operations that pan the marked area will also pan the underlying image as required.

As to claim 32, Ojima shows bounding box / demarcation elements that are non-continuous, e.g. dashed.

As to claim 33, Ojima clearly shows indicia that are not dashed lines per se, but rather indicators at the corners of the bounding / selection box. See Figures 3(a)-4(d) *et seq.*

As to claim 34, clearly, as noted in the rejection to claim 30 above, the system possesses the magnification control, where the user can controllably change the zoom level by incrementing or decrementing it is as desired, again as illustrated by Figures 3(a)-4(d) *et seq.*

As to claim 39, Ojima further teaches that the user can control magnification, and that such position control can be used to pan, etc (Ojima has a cross-shape button on the operation panel 33 [0029], where this button is operable to move the marking area around the base image, and the operator can move up and down, as in [0030], and the user can change the zoom ratio – specifically, see [0034], where it is specified that when the marked area zoom is the same as the display zoom, the entire marked area takes up the entire LCD, such that any operations that pan the marked area will also

pan the underlying image as required))). See Ojima Abstract. Further, Ojima teaches panning the underlying image such that the user can place the bounding box on a different section of the acquired image. The user can clearly select whatever portion of the original or magnified region is desired, and this occurs in whatever order is desired (see discussion with respect to claim 30 above with respect to the order in which that occurs and where the user can move the bounding box).

The combination of Ojima clearly teaches only transferring the selected portion in any case, where such transfer is user-initiated, as in Endo, as in the cropping area (Figures 2(a) and 2(b)). Therefore the user would determine which portion to transfer, wherein the user would select the different portion and then perform the transfer. See Ojima Abstract.

As to claim 40, this combination (e.g. the transfer of only the selected portion to a printer) is clearly shown in the rejection to claims 30 and 35, because the recited external device therein is a printer.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Woods whose telephone number is 571-272-7775.


The examiner can normally be reached on M-F 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Woods

9/17/2007


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER